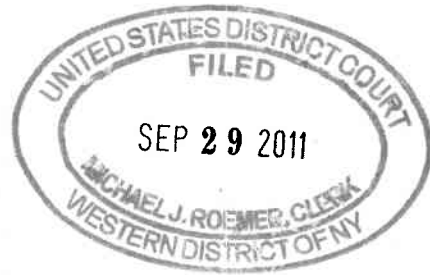


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



KATHLEEN LEWIS,

Plaintiff,

-against-

CREDIT BUREAU COLLECTION SERVICES,  
INC.,

Defendant.

VERIFIED COMPLAINT

11 CV 0828-S

NOW COMES Plaintiff, Kathleen Lewis ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Credit Bureau Collection Services, Inc., ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Niagara Falls, County of Niagara, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a corporation having its principal place of business located in Oklahoma City, Oklahoma.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

#### Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

#### Factual Allegations

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt for a Woodforest Bank account.

11. Defendant has been calling Plaintiff daily for approximately six (6) months. Defendant called Plaintiff five (5) times on August 30, 2011.

12. Defendant’s agent threatened to send the police to Plaintiff’s home and to have her arrested if timely payment of the alleged debt was not made.

#### CLAIM FOR RELIEF

13. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff;

- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone call to ring and/or engaging Plaintiff in telephone conversations repeatedly and/or continuously with the intent to annoy, abuse or harass the Plaintiff;
  - c. Defendant violated §1692e(4) of the FDCPA by threatening that non payment of the debt would result in the arrest of Plaintiff;
  - d. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means to collect a debt when Defendant threatened to send the police to Plaintiff's home and to have her arrested if timely payment was not made
14. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: September 27, 2011

KROHN & MOSS, LTD.

By: 

Adam T. Hill

KROHN & MOSS, LTD.

10 N. Dearborn St., 3rd Floor

Chicago, IL 60602

Telephone: 312-578-9428

Telefax: 866-289-0898

ahill@consumerlawcenter.com

Attorneys for Plaintiff

VERIFICATION

STATE OF NEW YORK)  
COUNTY OF NIAGARA)

Plaintiff, KATHLEEN LEWIS, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;

Pursuant to 28 U.S.C. § 1746(2), I, KATHLEEN LEWIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 9/12/11

  
KATHLEEN LEWIS